



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/035,064

12/27/2001

James M. Foley

03292.101170.

3303

66569 7590 12/16/2009

FITZPATRICK CELLA (AMEX)

1290 Avenue of the Americas

NEW YORK, NY 10104-3800

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

12/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/035,064 | Applicant(s) FOLEY ET AL. | |
| | Examiner MICHAEL PYZOSHA | Art Unit 2437 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed 09/23/2009 has been received and considered.
2. Claims 1-7, 14, 15 and 19-22 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 and 15 relate to computer readable media containing instructions. The specification does not provide an explanation or description of a "computer-readable medium" and one of ordinary skill in the art would recognize "computer-readable medium" as encompassing both tangible (e.g. memory) and non-tangible (e.g. waves) media. As such claims 14 and 15 fail to satisfy the requirements of 35 USC 101. It is recommended to amend "computer-readable medium" to "computer-readable storage medium" in order to overcome this rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2437

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barron (US 6665709) in view of Adduci, Jr. et al. (US 7343334) (herein after Adduci) and further in view of Novoa et al. (US 6636973)(herein after Novoa).

As per claims 1, 14 and 19, Barron discloses configuring at least one method of authentication for accessing a restricted service: receiving, over a communication network, a request for access to at least one of a first and second restricted services; causing, using a microprocessor, a user interface to display input fields corresponding to the first method of authentication if the request is associated with a first authentication method (see column 5 lines 5-18 where requesting data to be encrypted is the first restricted service and presenting the password is the first authentication method); causing, using the microprocessor, the user interface to display input fields corresponding to the second method of authentication if the request is associated with the second authentication method (see column 5 line 62 through column 6 line 5 where biometric is the second method of authentication) granting, using the microprocessor, access to the first restricted service upon receiving predetermined input associated with the first or second method of authentication; and granting, using the microprocessor, access to the first or second restricted service upon receiving predetermined input associated with the second method of authentication (see column 5 lines 5-18 and column 5 line 62 through column 6 line 24).

Barron fails to disclose how the different methods are chosen to be displayed or storing in a database the selections associated with an account of the user.

However, Adduci teaches requiring different authentication to gain access to different resources associated with a user account thereby teaching the claimed limitations: receiving, from a user, a selection of a first method of authentication from a method of authentication presented by a restricted service provider, to be required for access to a first restricted service provided by the restricted service provider, the first restricted service being associated with an account of the user; storing, in a database, method of authentication in association with the first restricted service and the account of the user; receiving, from the user via the communication network, a selection of a second method of authentication, from the plurality of methods of authentication, to be required for access to a second restricted service provided by the restricted service provider, the second restricted service being associated with the account of the user (see column 16 line 54 through column 17 line 56 where a user must have set which content requires a first password and which content requires an additional second password, i.e. selecting a first and second method of authentication to be required for access to a first and second restricted service, and each password is saved and compared which means the information must be stored in a database for such a comparison to occur).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow the selection of different authentication requirements in the Barron system.

Motivation to do so would have been to allow for allocation of different levels of security to different portions of the system (see Adduci column 16 lines 54-64).

The modified Barron and Adduci system fails to explicitly disclose selecting access control by use of different methods of access control (as Adduci teaches only the single type of authentication of passwords).

However, Novoa teaches selectively assigning different types of authentication (see column 9 lines 31-38 where a user can be required to use either passwords or biometrics to gain access).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use different methods of authentication in the modified Barron and Adduci system.

Motivation to do so would have been to allow certain users the ability to not have to remember and enter a password (see Novoa column 9 lines 31-38).

As per claims 2 and 20, the modified Barron, Adduci and Novoa system discloses, the plurality of methods of authentication includes at least one of: user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared and password; and handheld computing device and digital certificate (see Barron column 5 lines 5-18 and Novoa column 9 lines 31-38).

As per claim 3, the modified Barron, Adduci and Novoa system discloses receiving, over the communication network, a selection of more than one method of authentication from the plurality of methods of authentication, to be required for access

to the first restricted service (see Adduci column 16 line 54 through column 17 line 56 where to gain access a first password and a second password must be correctly entered).

As per claim 4, the modified Barron, Adduci and Novoa system discloses registering at least one of first and second methods of authentication as a minimum level of security required for access to at least one of the first and second restricted services (see Adduci column 16 line 54 through column 17 line 56 where the first password is a minimum to gain access to a portion of the resource).

7. Claims 5-7, 15, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Barron, Adduci and Novoa system as applied to claims 1, 14 and 19 above, and further in view of Meffert et al. (US 20020059144)(herein after Meffert).

As per claims 5, 15 and 21, the modified Barron, Adduci and Novoa system as applied above teaches the substantially similar limitations as put above with respect to claims 1, 14 and 19 where the different authentication requirements equate to the different security levels of the present claims. The modified Barron, Adduci and Novoa system fails to explicitly disclose presenting a query dialog box to a user for selecting a level of security.

However, Meffert teaches the use of a dialog box for selecting a level of security (see paragraph [0048] and FIG. 3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a dialog box to select the level of security in the modified Barron, Adduci and Novoa system.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been that dialog boxes are common, easy to implement and easy for the user to interact.

As per claims 6 and 22, the modified Barron, Adduci, Novoa and Meffert system discloses, the plurality of methods of authentication includes at least one of: user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared and password; and handheld computing device and digital certificate (see Barron column 5 lines 5-18 and Novoa column 9 lines 31-38).

As per claim 7, the modified Barron, Adduci, Novoa and Meffert system discloses receiving, over the communication network, a selection of more than one method of authentication from the plurality of methods of authentication, to be required for access to the first restricted service (see Adduci column 16 line 54 through column 17 line 56 where to gain access a first password and a second password must be correctly entered).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references supplied on the PTO-892 form relate to different authentication techniques for different security levels.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

Art Unit: 2437

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/
Primary Examiner, Art Unit 2437